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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,687	08/20/2003	Kim Simelius	894A.0024.U1(US)	8280
10948 7590 03/08/2011 Harrington & SMith , Attorneys At Law, LLC 4 Research Drive, Suite 202 Shelton, CT 06484			EXAMINER SYED, FARHAN M	
			ART UNIT 2165	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/645,687	Applicant(s) SIMELIUS ET AL.	
	Examiner FARHAN M. SYED	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-22, filed 05 May 2008, are pending.

### ***Response to Arguments***

2. While updating searches, the examiner came across two newly found references "Hind et al" and "Shanahan et al". Therefore, the application is now reopened, and a new ground(s) of rejection is made under 35 U.S.C. 103(a) as being unpatentable by Hind et al (U.S. 7,496,606 and known hereinafter as Hind) in view of Shanahan et al (U.S. 6,732,090, known hereinafter as Shanahan).

### ***Claim Objections***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 22 recites a computer readable medium, but the Applicant's disclosure fails to describe the components of a computer readable medium. For purposes of prosecution, the Examiner will assume that a computer readable medium is limited to a computer readable storage medium.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hind et al (U.S. 7,496,606 and known hereinafter as Hind) in view of Shanahan et al (U.S. 6,732,090, known hereinafter as Shanahan).

As per claim 1, Hind teaches a method comprising:

forming a data item for the first time in a first electronic device (i.e. user creates new data record (i.e. forming a data item) at the device (i.e. first electronic device))(Hind, column 14, lines 55-57),

in response to said forming, providing to a user of the first electronic device a possibility (some mechanism must be provided to allow a host to determine that a data record must be added.)(Hind, column 14, lines 59-61, 63-65) to associate an existing grouping identifier (DSP/HSP serves as a grouping identifier to associate new data records with for synchronization purposes.)(Hind, column 6, lines 34 to column 7, lines 14) with the formed data item (wherein data

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records (e.g. formed data items) that are intended to be synchronized are modified (e.g. grouped) to include the DSP and HSP.) (Hind, column 6, lines 34 to column 7, lines 14);

in response to a situation in which the user does not want to use said existing grouping identifier for the formed data item (i.e. *"If a new data record is added to the host..."*). The Examiner understands this passage to mean that a user does not want to use an existing grouping identifier to associate the new data record)(Hind, column 15, lines 27-28), obtaining a new grouping identifier (i.e. assigning a DSP (i.e. grouping identifier) value in the new data record and send an update message from the host to the device.)(Hind, column 15, lines 27-30) and associating the formed data item with the new grouping identifier (updated message would transmit new data record with DSP and HSP value and thereby associating the new data record with the new grouping identifier.)(Hind, column 15, lines 32-25), and

synchronizing said data item between said first electronic device and a second electronic device on the basis of said selected grouping identifier (i.e. data records (i.e. data item) are synchronized between one host system (i.e. first electronic device) and a portable communication device (i.e. second electronic device)... data records (i.e. formed data items) that are intended to be synchronized are modified (i.e. grouped) to include the DSP and HSP)(column 6, lines 34 to column 7, lines 14), said devices being capable of communication with each other (Hind, column 2, lines 36-39).

Although Hind teaches an existing grouping identifier (i.e. DSP/HSP)(see column 6, lines 34 to column 7, lines 14), Hind does not explicitly teach in response to a situation in which the user associates said existing grouping identifier for the formed data item, associating the formed data item with said existing grouping identifier, said existing grouping identifier being associable with at least one other data item; and selecting one

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of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier.

Shanahan teaches in response to a situation in which the user associates said existing grouping identifier (i.e. "a user is given the ability to specify a name of a personality and create it by either (a) modifying existing personalities..." The Examiner equates existing grouping identifier as existing personalities) (Shanahan, column 21, lines 43-46) for the formed data item (i.e. the personality creation process receives a specified set of document..." The Examiner equates formed data item to specific set of document.)(Shanahan, column 22, lines 26-40), associating the formed data item with said existing grouping identifier (The Examiner notes that a set of documents can be associated with an existing personality, and therefore contemplates that a user may associate the formed data with an existing grouping identifier.)(Shanahan, column 21, lines 39-46 and column 22, lines 38-40), said existing grouping identifier being associable with at least one other data item (User associates existing personalities with at least one or more data item.)(Shanahan, Figure 15, column 21, lines 39-46; column 28, lines 17-31); and selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier (Figure 15 illustrates an option provided to the user to create/modify personalities (i.e. grouping identifiers). Furthermore, column 22, lines 30-35 teaches that once a user specifies a set of documents and initiates a request for service, a process is set forth to generate a personality (e.g. a new grouping identifier is contemplated by the user.)(Shanahan, Figure 15, column 22, lines 30-35).

Hind is directed to a system and method for synchronizing data records between at least two electronic devices, when an updated message is sent, updating the new or changed data records. Shanahan is directed to grouping or categorizing new data with existing or new personalities based on user specified requests. Both are analogous art,

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because Shanahan improves upon the grouping identifier as taught in Hind to provide user preferences as to how data records are to be associated and syndicated to other devices.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hind with the teachings of Shanahan to include in response to a situation in which the user associates said existing grouping identifier for the formed data item, associating the formed data item with said existing grouping identifier, said existing grouping identifier being associable with at least one other data item; and selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier.

As per claim 2, the modified teachings of Hind and Shanahan teaches a method wherein each grouping identifier comprises at least one of the following: text, still picture, moving picture, sound or vibration effect (Figure 15 illustrates each grouping identifier includes text.)(Shanahan, Figure 15).

As per claim 3, the modified teachings of Hind and Shanahan teaches a method wherein the new grouping identifier is formed by the user of the first electronic device or the new grouping identifier is retrieved from a network server (Hind, Figure 1 illustrates a first electronic device and a network server; Shanahan, Figure 15 illustrates a new grouping identifier).

As per claims 4 and 16, the modified teachings of Hind and Shanahan teaches wherein the method further comprises maintaining a register of at least one grouping

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identifier being associable to at least one data item stored into the memory of the first electronic device (The DSP/HSP is associated to a data item that is scheduled to be synchronized from the device database and stored in memory before synchronization occurs.)(Hind, column 5, lines 35-60).

As per claims 5 and 17, the modified teachings of Hind and Shanahan teaches where said existing grouping identifier is manually selected from a register by the user of the first electronic device (Hind, column 7, lines 1-35).

As per claims 6 and 18, the modified teachings of Hind and Shanahan teaches wherein said existing grouping identifier is automatically selected from the register by the first electronic device (Hind, column 7, lines 1-35).

As per claims 7 and 19, the modified teachings of Hind and Shanahan teaches wherein the new grouping identifier is formed by a user of the first electronic device (DSP is a grouping identified is formed by a first electronic device (i.e. portable device).)(Hind, column 6, lines 1-67).

As per claims 8 and 20, the modified teachings of Hind and Shanahan teaches wherein the new grouping identifier is stored to the register of the first electronic device (DSP is a grouping identified registered to a first electronic device (i.e. portable device).)(Hind, column 6, lines 1-67).



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As per claims 9 and 21, the modified teachings of Hind and Shanahan teaches wherein a user of the first electronic device selects the grouping identifier for the synchronization manually (DSP/HSP is automatically selected as grouping identifiers when synchronizing manually between two devices)(Hind, column 7, lines 1-35).

As per claim 10, the modified teachings of Hind and Shanahan teaches a method wherein the first electronic device selects the selected grouping identifier for the synchronization automatically (DSP/HSP is automatically selected as grouping identifiers when synchronizing automatically between two devices)(Hind, column 7, lines 1-35).

As per claim 11, the modified teachings of Hind and Shanahan teaches a method wherein the first electronic device performs the synchronization periodically (The device synchronization parameters include indicating the frequency of synchronization)(Hind, column 12, lines 5-55).

As per claim 12, the modified teachings of Hind and Shanahan teaches a method wherein the selected grouping identifier comprises an icon to be visually presented to the user of the first device (Figure 15 illustrates an icon to be visually presented to the user of the first device.)(Shanahan, Figure 15, column 21, lines 39-46; column 28, lines 17-31).

As per claim 13, the modified teachings of Hind and Shanahan teaches a method wherein the selected grouping identifier further comprises text to be visually presented

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to the user of the first device (Figure 15 illustrates text to be visually presented to the user of the first device.)(Shanahan, Figure 15, column 21, lines 39-46; column 28, lines 17-31).

As per claim 14, the modified teachings of Hind and Shanahan teaches a method wherein the selected grouping identifier further comprises information of those data items associated to said grouping identifier (User associates existing personalities with at least one or more data item.)(Shanahan, Figure 15, column 21, lines 39-46; column 28, lines 17-31).

As per claim 15, Hind teaches an electronic device (i.e. Figure 1, item 12 depicts an electronic device) comprising:

a memory (RAM, Figure 29, item 256) for storing a data item for the first time in a first electronic device (i.e. user creates new data record (i.e. forming a data item) at the device (i.e. first electronic device))(Hind, column 14, lines 55-57),

associating means (i.e. see Figure 29, item 241) for providing to a user of an electronic device a possibility (some mechanism must be provided to allow a host to determine that a data record must be added.)(Hind, column 14, lines 59-61, 63-65) to associate an existing grouping identifier (i.e. DSP/HSP)(column 6, lines 34 to column 7, lines 14) with the formed data item (i.e. data records (i.e. formed data items) that are intended to be synchronized are modified (i.e. grouped) to include the DSP and HSP.) (column 6, lines 34 to column 7, lines 14);

in response to a situation in which the user does not want to use said existing grouping identifier for the formed data item (i.e. *"If a new data record is added to the host..."*) The Examiner understands this passage to mean that a user does not want to use an existing grouping identifier to associate the new data record)(Hind, column 15, lines 27-28), obtaining a new grouping

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identifier (i.e. assigning a DSP (i.e. grouping identifier) value in the new data record and send an update message from the host to the device.)(Hind, column 15, lines 27-30) and associating the formed data item with the new grouping identifier (updated message would transmit new data record with DSP and HSP value and thereby associating the new data record with the new grouping identifier.)(Hind, column 15, lines 32-25), and

synchronizing means for synchronizing said data item between said first electronic device and a second electronic device on the basis of said selected grouping identifier (i.e. data records are synchronized between one host system and a portable communication device... data records (i.e. formed data items) that are intended to be synchronized are modified (i.e. grouped) to include the DSP and HSP)(column 6, lines 34 to column 7, lines 14), said devices being capable of communication with each other (Hind, column 2, lines 36-39).

Although Hind teaches an existing grouping identifier (i.e. DSP/HSP)(see column 6, lines 34 to column 7, lines 14), Hind does not explicitly teach in response to a situation in which the user associates said existing grouping identifier for the formed data item, associating the formed data item with said existing grouping identifier, said existing grouping identifier being associable with at least one other data item; and selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier.

Shanahan teaches in response to a situation in which the user associates said existing grouping identifier (i.e. "a user is given the ability to specify a name of a personality and create it by either (a) modifying existing personalities..." The Examiner equates existing grouping identifier as existing personalities) (Shanahan, column 21, lines 43-46) for the formed data item (i.e. the personality creation process receives a specified set of document..." The Examiner equates formed data

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item to specific set of document.)(Shanahan, column 22, lines 26-40), associating the formed data item with said existing grouping identifier (The Examiner notes that a set of documents can be associated with an existing personality, and therefore contemplates that a user may associate the formed data with an existing grouping identifier.)(Shanahan, column 21, lines 39-46 and column 22, lines 38-40), said existing grouping identifier being associable with at least one other data item (User associates existing personalities with at least one or more data item.)(Shanahan, Figure 15, column 21, lines 39-46; column 28, lines 17-31); and

selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier (Figure 15 illustrates an option provided to the user to create/modify personalities (i.e. grouping identifiers). Furthermore, column 22, lines 30-35 teaches that once a user specifies a set of documents and initiates a request for service, a process is set forth to generate a personality (e.g. a new grouping identifier is contemplated by the user.)(Shanahan, Figure 15, column 22, lines 30-35).

Hind is directed to a system and method for synchronizing data records between at least two electronic devices, when an updated message is sent, updating the new or changed data records. Shanahan is directed to grouping or categorizing new data with existing or new personalities based on user specified requests. Both are analogous art, because Shanahan improves upon the grouping identifier as taught in Hind to provide user preferences as to how data records are to be associated and syndicated to other devices. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hind with the teachings of Shanahan to include in response to a situation in which the user associates said existing grouping identifier for the formed data item, associating the formed data item

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with said existing grouping identifier, said existing grouping identifier being associable with at least one other data item; and selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier.

As per claim 22, Hind teaches a computer readable medium encoded with a computer program (Hind, column 30, lines 63 to column 31, lines 35) comprising:

computer program means (Hind, column 30, lines 63 to column 31, lines 35) for causing a first electronic device to store a data item for the first time into a memory of the first electronic device (i.e. user creates new data record (i.e. forming a data item) at the device (i.e. first electronic device))(Hind, column 14, lines 55-57),

computer program means (Hind, column 30, lines 63 to column 31, lines 35) for causing a first electronic device to provide to a user of the first electronic device a possibility (some mechanism must be provided to allow a host to determine that a data record must be added.)(Hind, column 14, lines 59-61, 63-65) to associate an existing grouping identifier (i.e. DSP/HSP)(column 6, lines 34 to column 7, lines 14) with the formed data item (i.e. data records (i.e. formed data items) that are intended to be synchronized are modified (i.e. grouped) to include the DSP and HSP.) (column 6, lines 34 to column 7, lines 14);

computer program means (Hind, column 30, lines 63 to column 31, lines 35) for causing a first electronic device to in response to a situation in which the user does not want to use said existing grouping identifier for the formed data item (i.e. *"If a new data record is added to the host..."* The Examiner understands this passage to mean that a user does not want to use an existing grouping identifier to associate the new data record)(Hind, column 15, lines 27-28), obtaining a new grouping identifier (i.e. assigning a DSP (i.e. grouping identifier) value in the new

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data record and send an update message from the host to the device.)(Hind, column 15, lines 27-30) and associating the formed data item with the new grouping identifier (updated message would transmit new data record with DSP and HSP value and thereby associating the new data record with the new grouping identifier.)(Hind, column 15, lines 32-25), and

computer program means (Hind, column 30, lines 63 to column 31, lines 35) for causing a first electronic device to synchronize said data item between said first electronic device and a second electronic device on the basis of said selected grouping identifier (i.e. data records are synchronized between one host system and a portable communication device... data records (i.e. formed data items) that are intended to be synchronized are modified (i.e. grouped) to include the DSP and HSP)(column 6, lines 34 to column 7, lines 14), said devices being capable of communication with each other (Hind, column 2, lines 36-39).

Although Hind teaches computer program means (Hind, column 30, lines 63 to column 31, lines 35) for causing a first electronic device and an existing grouping identifier (i.e. DSP/HSP)(see column 6, lines 34 to column 7, lines 14), Hind does not explicitly teach in response to a situation in which the user associates said existing grouping identifier for the formed data item, associating the formed data item with said existing grouping identifier, said existing grouping identifier being associable with at least one other data item; and selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier.

Shanahan teaches in response to a situation in which the user associates said existing grouping identifier (i.e. "a user is given the ability to specify a name of a personality and create it by either (a) modifying existing personalities..." The Examiner equates existing grouping identifier as existing personalities) (Shanahan, column 21, lines 43-46) for the formed data item (i.e. the

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personality creation process receives a specified set of document..." The Examiner equates formed data item to specific set of document.)(Shanahan, column 22, lines 26-40), associating the formed data item with said existing grouping identifier (The Examiner notes that a set of documents can be associated with an existing personality, and therefore contemplates that a user may associate the formed data with an existing grouping identifier.)(Shanahan, column 21, lines 39-46 and column 22, lines 38-40), said existing grouping identifier being associable with at least one other data item (User associates existing personalities with at least one or more data item.)(Shanahan, Figure 15, column 21, lines 39-46; column 28, lines 17-31); and

selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier (Figure 15 illustrates an option provided to the user to create/modify personalities (i.e. grouping identifiers). Furthermore, column 22, lines 30-35 teaches that once a user specifies a set of documents and initiates a request for service, a process is set forth to generate a personality (e.g. a new grouping identifier is contemplated by the user.)(Shanahan, Figure 15, column 22, lines 30-35).

Hind is directed to a system and method for synchronizing data records between at least two electronic devices, when an updated message is sent, updating the new or changed data records. Shanahan is directed to grouping or categorizing new data with existing or new personalities based on user specified requests. Both are analogous art, because Shanahan improves upon the grouping identifier as taught in Hind to provide user preferences as to how data records are to be associated and syndicated to other devices. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hind with the teachings of Shanahan to include in response to a situation in which the user associates said

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existing grouping identifier for the formed data item, associating the formed data item with said existing grouping identifier, said existing grouping identifier being associable with at least one other data item; and selecting one of the following: said existing grouping identifier and the new grouping identifier, to be a selected grouping identifier.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhan M. Syed whose telephone number is 571-272-7191. The examiner can normally be reached on 8:30AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/F. M. S./  
Examiner, Art Unit 2165  
23 February 2011



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/Neveen Abel-Jalil/

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